

REMARKS

Claims 8 and 28-32 were pending in the application. Claims 8, 28 and 29 have been amended by the amendments presented herein. Support for the amendments to the claims can be found throughout the specification and claims as filed. No new matter has been added.

Abandonment

The Examiner has issued a Notice of Abandonment dated May 17, 2007. However, the final deadline by which to file a response to the Office Action is July 22, 2007. The Examiner indicated in the Notice of Abandonment that the abandonment was confirmed in a telephonic message on May 7, 2007 from Applicant's representative. However, Applicant's representative only confirmed that the response filed February 21, 2007 was a complete response to the Notice to Comply with Sequence Requirements, but did not intend to indicate that Applicants wished to allow this application to become abandon. Accordingly, Applicants respectfully request that the Examiner withdraw the Notice of Abandonment and enter this Amendment and Response. An appropriate extension of time is being submitted herewith.

Rejection of Claims 28-30, 32 and 33 Under 35 USC 102

The Examiner has rejected claims 28-30, 32 and 33 under 35 USC 102 as being anticipated by WO 2000/61605. Applicants respectfully traverse the foregoing rejection. The Examiner has cited a protein that comprises 5 residues of consensus sequence SEQ ID NO:109 within a span of nearly 30 linear amino acid residues. Clearly, Applicants did not intend to claim all proteins that comprise at least 5 residues of consensus sequence SEQ ID NO:109. Rather, Applicants invention pertains to peptides or proteins that selectively bind to the extracellular portion of human PSMA and have at least 5 residues in common with consensus SEQ ID NO:109, wherein the residues are within a linear span of 7 amino acid residues. In other words, the identical residues are within the length of the consensus sequence.

Applicants have amended the claims to clarify the subject matter being claimed. Accordingly, Applicants believe the foregoing rejection has been rendered moot and respectfully request that the Examiner reconsider and withdraw the foregoing rejection.

Rejection of Claims 28 and 34 Under 35 USC 112, First Paragraph

The Examiner has rejected claims 28 and 34 under 35 USC 112, first paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

Amino acid analogs are well know in the art such that one of ordinary skill routinely uses them in the course of research. In fact, many companies are focused on selling amino acid analogs. For example, Peptech Corp. (Burlington, MA) has a wide variety of specific amino acid analogs that can be ordered by the ordinary skilled artisan. Their catalog sets forth numerous analogs for a variety of natural amino acids. One of ordinary skill in the art could easily use these amino acid analogs in the claimed peptides.

Moreover, the Examiner states that it is not clear how many of the analogs are used and at which positions they are used. However, as amino acid analogs are routinely used in the art, the ordinary skilled artisan would be able to make the claimed peptides containing analogs. The ordinary skilled artisan could then determine if the peptides fall with in the scope of the claim by using the functional assays described in the specification to test if the peptides selectively binds to the extracellular portion of human PSMA.

Accordingly, Applicants believe that the ordinary skilled artisan would find the claimed compounds to be described by the specification as filed. Applicants respectfully request that the Examiner reconsider and withdraw the foregoing rejection.

CONCLUSIONS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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